

chapter 8

IMPLEMENTATION

From Policies to Action

Introduction

Policies are a declaration of what a community intends to achieve. An implementation program sets out how the policies will be carried out, by whom, and over what timeframe.

There are potentially four parts to an implementation program:

- Capital investment plan
- Financing
- Regulation
- Regional cooperation

CAPITAL INVESTMENT PLAN

The Growth Management Act requires each community's comprehensive plan to include a capital investment plan for financing the replacement and expansion of public facilities and services required to meet projected growth and development. In turn, the STPA requires municipalities to include in the transportation part of the plan a prioritized ten-year improvement, maintenance and repair plan. It is helpful to piggyback these two requirements on each other, both for convenience and so that transportation needs can be weighed by the community in combination with other public investment needs.

The capital investment plan identifies facilities needed to accommodate projected growth, assigns them priorities, and identifies possible funding sources. It also sets the stage for a formal Capital Improvements Program (CIP), a fiscal tool used by many communities to program large capital expenditures and to track the community's debt, reserve funds, and other sources of revenue to pay for public improvements.

A formal CIP is a more detailed document that builds upon the capital investment plan: it includes detailed costs, often based on engineering, architectural, or other studies, and an actual capital budget for the upcoming year. The formal CIP usually spans a period of six years and is adopted by the town's legislative body, with the first of the six years serving as the budget year and the other five as planning years.

From a transportation perspective, the capital investment plan will serve as a foundation for the more detailed CIP if it:

- Identifies transportation facilities that will be needed to accommodate projected growth or to remedy existing problems. These needs should come directly from the earlier inventory and analysis and the stated policies or strategies. The capital investment items should be limited to proposed capital expenditures, not operating costs (although the latter should be addressed in the course of normal budgeting). Transportation capital improvements typically have a life expectancy of at least 10 years.
- Assigns general priorities among the identified capital investments. Each might be assigned, for example, into categories such as “urgent,” “necessary,” “desirable,” and “deferrable.”
- Estimates cost. A precise estimate is usually not possible until engineering and other analysis has been performed, and the cost of obtaining such services should also be identified. Nevertheless, using rules of thumb available from the public works director, consulting engineer, or MaineDOT, it is important to include an order-of-magnitude estimate in the plan.
- Estimate timing, and whether the project should be undertaken within a short term (e.g., within 24 months), mid-term (2 to 5 years), or longer term (more than 5 years).

The State Planning Office’s [Comprehensive Planning Manual](#) provides further discussion of capital investment plans.

FINANCING

Possible sources of financing for both capital and operating costs include local tax revenues, local borrowing, MaineDOT investments, state and federal grants to local governments, and impact fees.

Local tax revenues and local borrowing: Tax revenues are the primary way to pay for the operating costs of local services, including transportation-related services. Borrowing, whether directly by the community or through the Municipal Bond Bank, is reserved for capital expenditures and is a primary way of financing the items identified in the capital investment plan and ultimately an adopted Capital Improvements Program.

State projects: Through its own, ongoing planning, MaineDOT creates a biennial plan for transportation system investments. Once commonly known as the BTIP, it now is referred to as the [Biennial Capital Work Plan](#). Although this is a state function, it is of interest to municipalities because the projects often reflect local needs; and because certain projects of high priority to the municipality may require local matching funds.

This plan identifies funded projects expected to be undertaken within the two-year plan period. Additionally, MaineDOT generates a [6-Year Plan](#). As of 2008, this plan will consist of two parts: one that is cost-constrained to the level of anticipated funding, and the other that identifies additional transportation system needs that cannot be undertaken unless supplemental funding can be obtained. The 6-Year Plan, updated biennially, is also provided on a project-specific basis, listing candidate projects that MaineDOT is expecting to fund over the next three biennia within funding constraints.

Most projects in the Biennial Capital Work Plan will simply maintain the transportation system already in place through a variety of reconstruction and rehabilitation projects. These include highway paving (for maintenance or preservation), bridge reconstruction or rehabilitation, operational and safety improvements to bridges, safety and operations improvements to highways (e.g., intersection improvements, signage, guard rails) and investments in other modes of transportation. Depending on funding availability, urgency, and especially on whether the project will benefit regions as a whole, the biennial plan also may include transportation system improvements. Examples are highways in new locations (such as a bypass), improvements to highway mobility (such as a passing lane or turning lane), highway modernization or reconstruction, rail and marine freight investments, passenger rail improvements, transit capital, airport improvements, bicycle/pedestrian based projects, and park and ride lots. Large-scale projects typically must comply with planning processes and standards under the STPA and federal laws. Many of the transportation system improvement projects involve scoping sessions with local governments and the public, and some projects require local financial contributions. If you think your town or region has an urgent need that should be in the biennial plan, contact MaineDOT (or your Metropolitan Planning Organization) as early as possible, so that they can consider the request. It is increasingly important that the request be in the context of the larger corridor or region, so discussion of needs should also occur with your Regional Council.

State and federal funding and loans: MaineDOT has both formula-based and competitive programs for transportation improvements. A basic formula program is the Urban-Rural Initiative Program that provides capital funds to municipalities for work on a road or bridge that has a life expectancy of at least 10 years or restores load-carrying capacity. The funds are distributed based on a formula per lane mile of different types of roads. See [Working with MaineDOT: A Guide for Municipal Officials](#) or contact MaineDOT's Community Services Division.

Examples of competitive programs that may be available if funded include:

- Transportation Enhancement Program, a federal- and state-funded program requiring a 20% local or private match. This program principally supports enhancements in connection with pedestrian and bicycle facilities, historic and environmental projects, and downtown revitalization initiatives as well as other investments that help to enhance a transportation system and the quality of a community's environment. Projects have to be related to surface transportation.

- Safe Routes to School, a program that is 100% federally funded. While no local match is required, proposed projects can receive a higher score if accompanied by local funds. Its focus is increasing bicycle, pedestrian, and traffic safety, within two miles of an elementary or middle school, making walking and bicycling to school more appealing. Project improvements typically include sidewalks, traffic calming, pedestrian crossings, off-road bicycle and pedestrian facilities.
- Small Harbor (Transportation) Improvement Program (SHIP), which promotes public access and economic development and preserves infrastructure along the coast. These are state funds that require a 50% local match.
- National Scenic Byways Program, which recognizes and tries to preserve designated roads based on archeological, cultural, historic, natural, recreational or scenic qualities. It is typically an 80% federal, 20% other match program that provides resources to the byway communities to create and maintain a unique travel experience and enhanced local quality of life.
- Industrial Rail Access Program, which is designed to encourage economic development through increased use of rail. Most projects involve rail sidings and rail construction and improvement, and may also include those that enhance freight rail transportation without involving actual rail work.
- Community Gateway Program, a state-funded program designed to help communities enhance community corridors and landscapes. Grants are typically in the \$5,000 to \$10,000 range.
- Other competitive programs may be available, dependent on funding.

City of Brewer Development Policy

Brewer has adopted a multifaceted Development Policy that spells out how the City will work with “significant” development to assure capacity to serve the development. The policy covers impact studies, cost-sharing, tax increment financing, and impact fees. (Chapter 38, Article I, Brewer City Ordinances)

Impact fees apply in Area Capital Investment Districts (ACIDs) for a range of infrastructure, including roads, traffic control devices, and public transit. The initial ACID covers an area of Wilson Street and Parkway South, where impact fees are helping to fund transportation improvements to support new development. (Chapter 24, Article 12, Brewer City Ordinances)

For a full list of competitive grant programs, contact MaineDOT’s Bureau of Transportation Systems Planning.

Impact fees: Private funds for municipal capital costs incurred because of a specific development may be required of a developer in the form of an impact fee.

State law ([Title 30-A, M.R.S.A., Section 4354](#)) authorizes impact fees for off-site infrastructure such as transportation facilities, waste water collection and treatment facilities, water supplies, public safety equipment, fire protection facilities, parks, and school facilities. Impact fees cannot be used to pay for operating costs. Limitations on impact fees include:

- The amount must be reasonably related to the development’s share of the cost of the facility made necessary by the development. The cost of the facility must

be documented, and there must be a way to distribute the cost between the development and others that contribute to demand for the facility, including the public at-large.

- Funds received from impact fees can be used only for specified improvements.
- There must be a reasonable schedule for making specified improvements, and fees must be refunded if improvements are not made according to schedule.

A thoughtful capital investment plan and annual Capital Improvements Program are foundations for impact fees. For more, see the Maine State Planning Office's guide, [*Financing Infrastructure Improvements through Impact Fees*](#).

REGULATIONS

Implementing policies that will better align transportation and land use nearly always will involve some degree of regulation. Regulation may be required to:

- Guide development to the parts of a community or region best equipped to serve it – in particular, to areas designated for growth in the Future Land Use Plan of the community's Comprehensive Plan;
- Guide the nature and mix of development that is optimal to the functioning of the transportation system and vice versa;
- Establish performance standards that enable development to smoothly interact with the transportation system serving it. For example, driveways ("access management"), parking, pedestrian circulation and, where appropriate, bus stops all should meet standards of safety and efficiency;
- Establish standards for street design, construction, and operations; and
- Establish quality of place standards, addressing scale of development and environmental and scenic matters

The typical regulatory tools are zoning, subdivision, and site plan review ordinances. The types of regulation appropriate to each (or, in an integrated land use ordinance, to the zoning, subdivision, and site plan review sections of that ordinance) are:

Zoning: Establishes the allowable mix of uses within different districts of the community and the allowable density or intensity of use; incorporates dimensional standards for lots and structures; and establishes performance standards (such as environmental, public health, access management, off-street parking, and "good neighbor" such as noise and odors) that apply to all lots. Zoning or variations of it are fundamental to implementing a community's Future Land Use Plan and other parts of a comprehensive plan.

Subdivision: Regulates the division of land into multiple lots according to state law ([Title 30-A, sec. 4401 et seq.](#)) and local zoning. Of importance to transportation, subdivision regulations establish the standards for design and construction of new

rights-of-way and the local roads, sidewalks, and utilities built within them. They thus have a direct bearing on the interconnectivity and design of new and expanding neighborhoods, and the resulting pressures on existing roads.

Site plan review: Regulates actual development of a lot to assure that driveways, parking, pedestrian circulation, drainage, erosion controls, utilities, buffers, lighting, and all other key elements of the site meet standards.

The policies of the community transportation plan should be specific in recommending the use of these tools to help achieve the desired transportation-land use outcome. The tools themselves are only that – tools. It is how they are used that help determine whether the transportation system will function well or under stress. The “4D”s – density, distance, diversity of use, and design – that are fundamental to transportation choice and to the way transportation and land use interact with each other rely heavily on making sure that appropriate standards are contained in these basic land use ordinances. The discussion in Chapter 3 on the “4D”s and many of the strategies in Appendix B offer guidance on which standards may be applied in your community.

REGIONAL COOPERATION

The STPA expects communities to cooperate with other towns and cities in the transportation corridors they share to arrive at regional transportation and land use policies and implementation plans. Such regional planning for at least the transportation side of the equation already occurs through the Metropolitan Planning Organizations serving the Bangor, Lewiston-Auburn, Portland, and Kittery regions. More generally, MaineDOT is pursuing a strategy of multimodal, corridor management planning. Working with the regional planning councils, it has identified [*Corridors of Regional Economic Significance for Transportation \(CREST\)*](#). Building on the experience of a multimodal corridor planning process along Routes 1 and 90 in the mid-coast region – an initiative called [*Gateway I*](#) (see box next page) — the regional planning councils are being asked to assist groups of communities to jointly identify issues that affect large segments of these corridors, find land use strategies that will reduce future burdens on the state highway system, assess needs and opportunities for public transportation and non-highway modes both for passengers and freight, and discuss the governing mechanisms by which communities can coordinate land use decisions that affect each other.

The implementation of policies and strategies that the corridor plans may recommend likely will depend on a combination of approaches:

- Municipalities individually committing to incorporating jointly agreed-to strategies into their own comprehensive plans and implementing those they can individually control through local investments, impact fees, and local zoning, subdivision, and site plan review.

Examples of issues common to Gateway I communities
(Brunswick to Prospect)

- Traffic speed along Route 1, and perceived dangers to local traffic moving cross-town
- Seasonal and peak hour bottlenecks
- Importance of Route 1 to jobs and local tax bases
- Inadequate interconnection of the local road network
- Bicycle safety
- Eroding visual quality of portions of Route 1 as “strip” development expands
- Truck traffic through downtowns
- Traffic impacts and land use pressures across town boundaries caused by local land use decisions
- Lack of choice in transportation for a growing older population

Examples of high priority areas for transportation-land use policy
in the Gateway I corridor

- Separation vs mixing of trips that use Route 1 as a local road from longer trips that use Route 1 as an arterial
- “Context sensitive solutions” for the modernization of Route 1 that balance arterial requirements with downtown and rural quality of life
- Housing affordable to those who work within the corridor, shortening their commutes
- Public sewer and water to support more compact development
- Identification of growth nodes and design guidelines for development on adjacent properties
- Access management along rural lengths of the Route 1 and 90 corridors
- Management for traffic speed and safety
- More transportation choice for passengers and freight, at the local level (e.g., walking and bicycling) the inter-community level (e.g., transit), and the inter-regional level (e.g., rail and truck routes)
- Institutional arrangements for regional land use decisions

- Memoranda of Understanding, by which municipalities voluntarily agree to common performance standards (for managing access, protecting scenic vistas, reducing visual impacts, etc.) along the shared corridor; or to cooperate in the financing and promotion of transit opportunities, which may range from seasonal shuttles to year-round fixed-route systems.
- An inter-local agreement, adopted under state enabling law ([Title 30-A of Maine Revised Statutes Annotated, Section 4456](#)), to share authority in the implementation of recommended policies and strategies. These could include, for example, a joint ordinance to guide highway-oriented development to appropriate regional locations and to share tax revenues

generated by the development, or a joint body to promote transit alternatives, or an agreement to raise and invest a multi-town impact fee for transportation improvements benefiting the region.

Do not hesitate to consult with your regional council, the MaineDOT, or the State Planning Office on ways to initiate or cooperate in corridor planning efforts.

A Final Word on Implementation

The implementation program should be laid out clearly in the plan – whether as part of an overall implementation schedule for a comprehensive plan, or specific to the transportation element of the larger plan. The program should:

- Identify the action to be implemented;
- Identify whether the action is short-term (e.g., within 24 months), mid-term (e.g., 2 to 5 years), or longer term (e.g., more than 5 years);
- Assign responsibility to a specific person, department, or agency;
- Identify likely obstacles that will need to be overcome and resources that will be needed to get the job done; and
- If applicable, develop Memoranda of Understanding (e.g., multi-municipal development agreements) to clarify roles and responsibilities for implementing a plan or program across municipal boundaries.